

**Introduced by Senator Ortiz**February 24, 2006

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An act to amend Section 830.11 of the Penal Code, relating to persons with powers of arrest.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1757, as introduced, Ortiz. Powers of arrest.

Existing law provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, and the power to serve warrants, as specified, during the course and within the scope of their employment, if they receive a course in the exercise of those powers, as specified.

This bill would include within that list of persons, persons employed by the Fair Political Practices Commission and designated by the commission as investigators, provided that the primary duty of these persons would be the enforcement of, and investigations relating to, the law that is the subject of the duties of the commission.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 830.11 of the Penal Code, as amended
- 2 by Section 1 of Chapter 190 of the Statutes of 2005, is amended
- 3 to read:
- 4 830.11. (a) The following persons are not peace officers but
- 5 may exercise the powers of arrest of a peace officer as specified
- 6 in Section 836 and the power to serve warrants as specified in
- 7 Sections 1523 and 1530 during the course and within the scope
- 8 of their employment, if they receive a course in the exercise of

1 those powers pursuant to Section 832. The authority and powers  
2 of the persons designated under this section shall extend to any  
3 place in the state:

4 (1) Persons employed by the Department of Financial  
5 Institutions designated by the Commissioner of Financial  
6 Institutions, provided that the primary duty of these persons shall  
7 be the enforcement of, and investigations relating to, the  
8 provisions of law administered by the Commissioner of Financial  
9 Institutions.

10 (2) Persons employed by the Department of Real Estate  
11 designated by the Real Estate Commissioner, provided that the  
12 primary duty of these persons shall be the enforcement of the  
13 laws set forth in Part 1 (commencing with Section 10000) and  
14 Part 2 (commencing with Section 11000) of Division 4 of the  
15 Business and Professions Code. The Real Estate Commissioner  
16 may designate persons under this section, who at the time of their  
17 designation, are assigned to the Special Investigations Unit,  
18 internally known as the Crisis Response Team.

19 (3) Persons employed by the State Lands Commission  
20 designated by the executive officer, provided that the primary  
21 duty of these persons shall be the enforcement of the law relating  
22 to the duties of the State Lands Commission.

23 (4) Persons employed as investigators of the Investigations  
24 Bureau of the Department of Insurance, who are designated by  
25 the Chief of the Investigations Bureau, provided that the primary  
26 duty of these persons shall be the enforcement of the Insurance  
27 Code and other laws relating to persons and businesses, licensed  
28 and unlicensed by the Department of Insurance, who are engaged  
29 in the business of insurance.

30 (5) Persons employed as investigators and investigator  
31 supervisors of the Consumer Services Division or the Rail Safety  
32 and Carrier Division of the Public Utilities Commission who are  
33 designated by the commission's executive director and approved  
34 by the commission, provided that the primary duty of these  
35 persons shall be the enforcement of the law as that duty is set  
36 forth in Section 308.5 of the Public Utilities Code.

37 (6) (A) Persons employed by the State Board of Equalization,  
38 Investigations Division, who are designated by the board's  
39 executive director, provided that the primary duty of these

1 persons shall be the enforcement of laws administered by the  
2 State Board of Equalization.

3 (B) Persons designated pursuant to this paragraph are not  
4 entitled to peace officer retirement benefits.

5 (7) Persons employed by the Department of Food and  
6 Agriculture and designated by the Secretary of Food and  
7 Agriculture as investigators, investigator supervisors, and  
8 investigator managers, provided that the primary duty of these  
9 persons shall be enforcement of, and investigations relating to,  
10 the Food and Agricultural Code or Division 5 (commencing with  
11 Section 12001) of the Business and Professions Code.

12 *(8) Persons employed by the Fair Political Practices*  
13 *Commission and designated by the commission as investigators,*  
14 *provided that the primary duty of these persons shall be the*  
15 *enforcement of, and investigations relating to, the law that is the*  
16 *subject of the duties of the commission.*

17 (b) Notwithstanding any other provision of law, persons  
18 designated pursuant to this section may not carry firearms.

19 (c) Persons designated pursuant to this section shall be  
20 included as “peace officers of the state” under paragraph (2) of  
21 subdivision (c) of Section 11105 for the purpose of receiving  
22 state summary criminal history information and shall be  
23 furnished that information on the same basis as peace officers of  
24 the state designated in paragraph (2) of subdivision (c) of Section  
25 11105.

26 (d) This section shall remain in effect until January 1, 2010,  
27 and as of that date shall be repealed.

28 SEC. 2. Section 830.11 of the Penal Code, as amended by  
29 Section 2 of Chapter 190 of the Statutes of 2005, is amended to  
30 read:

31 830.11. (a) The following persons are not peace officers but  
32 may exercise the powers of arrest of a peace officer as specified  
33 in Section 836 and the power to serve warrants as specified in  
34 Sections 1523 and 1530 during the course and within the scope  
35 of their employment, if they receive a course in the exercise of  
36 those powers pursuant to Section 832. The authority and powers  
37 of the persons designated under this section shall extend to any  
38 place in the state:

39 (1) Persons employed by the Department of Financial  
40 Institutions designated by the Commissioner of Financial

1 Institutions, provided that the primary duty of these persons shall  
2 be the enforcement of, and investigations relating to, the  
3 provisions of law administered by the Commissioner of Financial  
4 Institutions.

5 (2) Persons employed by the Department of Real Estate  
6 designated by the Real Estate Commissioner, provided that the  
7 primary duty of these persons shall be the enforcement of the  
8 laws set forth in Part 1 (commencing with Section 10000) and  
9 Part 2 (commencing with Section 11000) of Division 4 of the  
10 Business and Professions Code. The Real Estate Commissioner  
11 may designate persons under this section, who at the time of their  
12 designation, are assigned to the Special Investigations Unit,  
13 internally known as the Crisis Response Team.

14 (3) Persons employed by the State Lands Commission  
15 designated by the executive officer, provided that the primary  
16 duty of these persons shall be the enforcement of the law relating  
17 to the duties of the State Lands Commission.

18 (4) Persons employed as investigators of the Investigations  
19 Bureau of the Department of Insurance, who are designated by  
20 the Chief of the Investigations Bureau, provided that the primary  
21 duty of these persons shall be the enforcement of the Insurance  
22 Code and other laws relating to persons and businesses, licensed  
23 and unlicensed by the Department of Insurance, who are engaged  
24 in the business of insurance.

25 (5) Persons employed as investigators and investigator  
26 supervisors of the Consumer Services Division or the Rail Safety  
27 and Carrier Division of the Public Utilities Commission who are  
28 designated by the commission's executive director and approved  
29 by the commission, provided that the primary duty of these  
30 persons shall be the enforcement of the law as that duty is set  
31 forth in Section 308.5 of the Public Utilities Code.

32 (6) Persons employed by the Department of Food and  
33 Agriculture and designated by the Secretary of Food and  
34 Agriculture as investigators, investigator supervisors, and  
35 investigator managers, provided that the primary duty of these  
36 persons shall be enforcement of, and investigations relating to,  
37 the Food and Agricultural Code or Division 5 (commencing with  
38 Section 12001) of the Business and Professions Code.

39 (7) *Persons employed by the Fair Political Practices*  
40 *Commission and designated by the commission as investigators,*

1 *provided that the primary duty of these persons shall be the*  
2 *enforcement of, and investigations relating to, the law that is the*  
3 *subject of the duties of the commission.*

4 (b) Notwithstanding any other provision of law, persons  
5 designated pursuant to this section may not carry firearms.

6 (c) Persons designated pursuant to this section shall be  
7 included as “peace officers of the state” under paragraph (2) of  
8 subdivision (c) of Section 11105 for the purpose of receiving  
9 state summary criminal history information and shall be  
10 furnished that information on the same basis as peace officers of  
11 the state designated in paragraph (2) of subdivision (c) of Section  
12 11105.

13 (d) This section shall become operative on January 1, 2010.